

## **PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES**

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

### **IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE P.O. Box 83720, Boise, Idaho 83720-0036**

Docket No. **16-0306-0001**, Rules Governing Refugee Medical Assistance. Uses income and resources on the application date to figure eligibility; Refugee Cash Assistance is excluded from income for eligibility; refugees in their first 8 months in the U.S. who lose eligibility for non-refugee Medicaid will be transferred to Refugee Medical Assistance with no eligibility determination; denial of Refugee Cash Assistance is not a reason to deny Refugee Medical Assistance; and deletes unnecessary sections. Comment By: 8/23/00.

Docket No. **16-0308-0002**, Rules Governing Temporary Assistance for Families in Idaho. If existing Idaho Medicaid plan will pay for a service, purchase of vehicles or childcare, program funds will not be used for Medical services; participants who close TAFI cash assistance due to employment must be under 200% of the Federal poverty guidelines at time of closure to receive Transitional Services; At-Risk services changed to Career Enhancement Services with the following changes: 1) non-custodial parents are eligible if the family's income is below 400% of the Federal Poverty guidelines; 2) the need must be work related and that, if not met, would prevent them from attaining or maintaining employment; 3) Supportive Services must be non-recurrent, short-term, and designed to meet a specific episode of need not to exceed 4 months; 4) work related activities (mentoring, counseling and training) can be provided up to 12 months; 5) must not be provided for a need already met by another program; 6) cannot be receiving TANF or TAFI benefits or be serving a TAFI sanction; 7) limit on number of participants is changed if a funding shortfall is projected. Effective 7/1/00, TAFI cash assistance, supportive and Career Enhancement services will be available to a person with a controlled substance felony conviction, if complying with the terms of a withheld judgment, probation or parole. Comment By: 8/23/00.

Docket No. **16-0309-0005**, Rules Governing Medical Assistance Program in Idaho. Adds clarification that a physical therapist or occupational therapist evaluation is always required for purchase of a wheelchair and that requests for wheelchair rental will be reviewed on a case-by-case basis for same requirement. Comment By: 8/23/00.

Docket No. **16-0601-0001**, Rules Governing Family and Children's Services. Increase in foster parent reimbursement rate approved by HB 772; updates rules to be consistent with Public Law, the CFR, and state law changes; transfers adoption practice from Health and Welfare central office to regional offices; and minor changes. Comment By: 8/23/00.

### **IDAPA 22 – IDAHO BOARD OF MEDICINE P. O. Box 83720, Boise, ID 83720-0058**

Docket No. **22-0107-0001 (Repeal)**, Rules of the Practice and Procedure of the Board of Medicine. Repeal of chapter. Comment By: 8/23/00.

Docket No. **22-0107-0002 (Rewrite)**, Rules of the Practice and Procedure of the Board of Medicine. Rewrite of chapter conforms to HB 628 addresses contested cases, declaratory rulings, and hearings and adopts by reference much of IDAPA 04.11.01, Idaho Rules of Administrative Procedure of the Attorney General. Comment By: 8/23/00.

Docket No. **22-0114-0001**, Rules Relating to Complaints Investigation. New chapter complies with HB 628 to adopt new rules for the receipt, investigation and deposition of complaints. Comment By: 8/23/00.

### **IDAPA 44 – OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR P.O. Box 83720, Boise, Idaho 83720-0306**

Docket No. **44-0101-0001**, Rules of the Administrative Rules Coordinator. Corrects citations to reflect legislative changes made to the APA; adds definition for "section," "subsection," "paragraph," and "subparagraph" used in formatting and making citations to rules; adds new sections required to be in all agency rules; corrects spelling errors. Comment By: 8/23/00.

### **IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY 1410 N. Hilton, Boise, Idaho 83706-1255**

Docket No. **58-0100-0002**, Legislative Changes Affecting the Administrative Rules of DEQ. Conforms to SB 1426 and Session Law Chapter 132 creating the Department of Environmental Quality and requiring DEQ to adopt rules for administrative procedure and confidentiality of records. This docket updates all DEQ rules affected by these changes. Comment By: 9/6/00.

Docket No. **58-0101-9903**, Rules for the Control of Air Pollution in Idaho. Provides an alternative to the process weight rate rule and proposes to replace it with a grain loading standard which is a particulate standard measured in grains per dry standard cubic foot and whose particulate emissions can be measured and tested for compliance at the emission point. It is expected that the particulate emissions will be essentially equivalent for both. Comment By: 9/8/00.

Docket No. **58-0101-0001**, Rules for the Control of Air Pollution in Idaho. Provides an option for all other sources not located at a major facility to defer Tier I operating permit requirements until 6/1/06 if they register and provide emissions inventory data by 5/1/01 and, if registered, would not require a complete permit application until 6/1/05 unless DEQ provides written notification of an earlier date; removes obsolete language and corrects typographical errors. Comment By: 9/8/00.

Docket No. **58-0123-0001**, Rules of Administrative Procedure Before the Board of Environmental Quality. New rule chapter implements SB 1426, 2000 Session Law Chapter 132, adopting rules of administrative procedures governing petitions to initiate rulemaking and declaratory rulings as well as contested cases. Comment By: 9/6/00.

**IDAPA 59 – PUBLIC EMPLOYEES RETIREMENT SYSTEM OF IDAHO  
P.O. Box 83720, Boise, Idaho 83720-0078**

Docket No. **59-0106-0001**, Retirement Rules of PERSI. Statutory changes authorize PERSI to establish an unused sick leave pool for PERSI members and employers who don't currently participate and to establish and set the requirements for participation in the PERSI administered pool, which is a voluntary pool. Also HB 657 and HB 717 provide for the purchase of service under the PERSI defined benefit plan and the rule is being amended to add new provisions that describe the methods for purchasing service and other requirements related to service purchase. Comment By: 8/23/00.

**PUBLIC HEARINGS** – Public Hearings have been scheduled for the following dockets:

**Department of Environmental Quality**

Docket No. **58-0100-0002**, Legislative Changes Affecting DEQ Rules. Comment deadline: 9/6/00.

Docket No. **58-0101-9903**, Rules for the Control of Air Pollution in Idaho. Comment deadline: 9/8/00.

Docket No. **58-0101-0001**, Rules for the Control of Air Pollution in Idaho. Comment deadline: 9/8/00.

Docket No. **58-0101-0002**, Rules for the Control of Air Pollution in Idaho. Comment deadline: 8/23/00.

Docket No. **58-0123-0001**, Rules of Administrative Procedure Before the Board of Environmental Quality. Comment deadline: 9/6/00.

Please refer to the Idaho Administrative Bulletin, **August 2, 2000, Volume 00-8** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact names.

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